

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAQUAY HILER,
Plaintiff,

v.

Case No. 07-C-863

**WILLIAM POLLARD, DR. MARTHA BREEN,
DR. DAVID A. WOOD, PETER ERICKSON,
LT. SWIEKATOWSKI and CAPTAIN SCHULTZ,**
Defendants.

ORDER

Plaintiff, who is incarcerated at the Jackson Correctional Institution, is proceeding in forma pauperis in this pro se civil rights action filed under 42 U.S.C. § 1983. On December 14, 2007, I screened the complaint pursuant to 28 U.S.C. § 1915A and advised plaintiff that if he wanted to proceed on his Eighth Amendment denial of outside exercise claim, he had to file an amended complaint identifying the defendants who he asserted caused the alleged constitutional violation. On January 2, 2008, plaintiff filed an amended complaint in which he reiterates that he was denied appropriate outside exercise and identifies the defendants responsible as William Pollard, Peter Erickson, Lieutenant Swiekatowski, and Captain Schultz. Accordingly, I will order the United States Marshals Service to serve the complaint on these defendants. I will dismiss the remaining defendants, who were named only in the original complaint.

Therefore,

IT IS ORDERED that defendants Dr. Martha Breen and Dr. David A. Wood are **DISMISSED**.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the amended complaint, the summons, and this order upon the defendants pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the United States Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). Although Congress requires the court to order service by the United States Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the United States Marshals Service.

IT IS ALSO ORDERED that defendants shall file a responsive pleading to the amended complaint.

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Plaintiff is hereby notified that he is required to send a copy of every paper or document filed with the court to the opposing parties or their attorney(s). Fed. R. Civ. P. 5(a). Plaintiff should also retain a personal copy of each document. If plaintiff does not have access to a photocopy machine, plaintiff may send out identical handwritten or typed copies of any documents. The court may disregard any papers or documents which do not indicate that a copy has been sent to each defendant or to their attorney(s).

Plaintiff is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute.

In addition, the parties must notify the Clerk's Office of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin, this 21 day of April, 2008.

/s _____
LYNN ADELMAN
District Judge